

# EXHIBIT 95

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE MIDDLE DISTRICT OF TENNESSEE

3

4

5   NIKKI BOLLINGER GRAE, Individually  
6   and Behalf of All Others Similarly

7   Situated,

8                   Plaintiff,

9                   vs.                   CASE NO.

10                                   3:16-CV-02267

11   CORRECTIONS CORPORATION OF

12   AMERICA, et al.,

13                   Defendants.

14

15

16                   CONFIDENTIAL

17                   VIDEO DEPOSITION OF KIM WHITE

18                   Nashville, Tennessee

19                   November 15, 2019

20

21

22

23   Reported by:

24   Elisabeth A. Miller Lorenz

25   RMR, CRR, LCR No. 66

26

27   Job No.: 10061571

28

29

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE MIDDLE DISTRICT OF TENNESSEE

3

4

5   NIKKI BOLLINGER GRAE, Individually  
6   and Behalf of All Others Similarly

7   Situated,

8                   Plaintiff,

9                   vs.                   CASE NO.

10                                   3:16-CV-02267

11   CORRECTIONS CORPORATION OF

12   AMERICA, et al.,

13                   Defendants.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

Video deposition of KIM WHITE was taken on  
behalf of Plaintiff, at Riley, Warnock & Jacobson,  
1906 West End Avenue, Nashville, Tennessee,  
beginning at 9:33 a.m., and ending at 1:48 p.m., on  
Tuesday, November 15, 2019, before Elisabeth A.  
Miller Lorenz, RMR, CRR, and LCR No. 66.

## 1 APPEARANCES:

2 For the Plaintiff:

3 ROBBINS GELLER RUDMAN &amp; DOWD

BY: CHRISTOPHER WOOD

4 414 Union Street

Suite 900

5 Nashville, Tennessee 37219

615.252.3798

6 cwood@rgrlaw.com

7

8 For the Defendants:

9 RILEY, WARNOCK &amp; JACOBSON

BY: TREY McGEE

10 1906 West End Avenue

Nashville, Tennessee 37203

11 615.320.3700

tmcgee@rwjplc.com

12

LATHAM &amp; WATKINS

13 BY: MERYN CN GRANT

355 South Grand Avenue

14 Los Angeles, California 90071-1560

213.485.1234

15 meryn.grant@lw.com

16 LATHAM &amp; WATKINS

BY: SARAH A. TOMKOWIAK

17 555 Eleventh Street, NW

Suite 1000

18 Washington, D.C. 20004-1304

202.637.2335

19 sarah.tomkowiak@lw.com

20

21 Also Present:

22 David Drumel, Videographer

23

24

25

1 MR. McGEE: Trey McGee, Riley,  
2 Warnock & Jacobson on behalf of the witness and  
3 defendants.

4 THE VIDEOGRAPHER: Thank you.

5 Will the court reporter please swear in  
6 the witness.

7 \* \* \*

8 KIM WHITE

9 was called as a witness, and after having been first  
10 duly sworn, testified as follows:

11 E X A M I N A T I O N

12 BY MR. WOOD:

13 Q Good morning, Ms. White.

14 A Good morning.

15 Q Have you had your deposition taken before?

16 A Have I had depositions taken before?

17 Q Uh-huh.

18 A Yes.

19 Q How many times have you had your deposition  
20 taken?

21 A Just a few. I don't have a specific number,  
22 but I've done it in the past.

23 Q Were they related to your work at CoreCivic  
24 or the Bureau of Prisons?

25 A Related to work at the Bureau of Prisons.

1 Q But you don't have any under- -- any further  
2 understanding of what you meant by contract  
3 implications in this e-mail?

4 A Well, it's not that I don't understand; I  
5 just don't remember the sequence of events. It's  
6 been almost four years ago.

7 Q Yeah.

8 A At this point, I -- I just don't recall  
9 exactly what I was referencing in that.

10 Q Do you recall in general being concerned  
11 that CoreCivic might lose the contract at Cibola?

12 MS. TOMKOWIAK: Objection.

13 THE WITNESS: I was always concerned as  
14 a human resource executive of our ability to meet  
15 our contract requirements. So that -- if I were to  
16 ever raise it, it would always be kind of at the  
17 front of my mind.

18 BY MR. WOOD:

19 Q But there must be some facilities that  
20 you're more concerned about than others, right? If  
21 there are some facilities that are fully staffed,  
22 from an HR perspective, you're not staying up at  
23 night worrying about it.

24 A Not about --

25 MS. TOMKOWIAK: Objection.

1 THE WITNESS: Not about staffing, but  
2 it certainly could be other issues, because staffing  
3 is one of many things that are on the front of my  
4 kind of things that are hot and keep me up at night,  
5 to your point.

6 BY MR. WOOD:

7 Q Do you recall having a specific concern  
8 about Cibola and whether or not problems at Cibola  
9 were so severe that CCA might lose that contract?

10 A From my perspective, I was not concerned  
11 about losing a specific contract. I was more  
12 concerned about meeting contract requirements.

13 Q Were -- okay. Maybe I could rephrase my --  
14 do you have a specific concern that CCA wasn't  
15 meeting its contract requirements with respect to  
16 Cibola?

17 A Well, as I think history reflects, we had a  
18 cure notice at Cibola specifically related to  
19 medical performance. And there were, I think,  
20 legitimate reasons why staffing might have been an  
21 influence on that. So -- a cure notice is a serious  
22 thing, and it's something that relates back to our  
23 inability to meet contract requirements.

24 So that's always going to be the  
25 underpinning any time something as serious as a cure



1 notice goes by.

2 Did I believe at the time that we wouldn't  
3 be able to fix the problem and then make the leap  
4 to, we would lose the contract? No, I did not.

5 Q Okay. Well, at some -- at some point,  
6 CoreCivic did lose the contract, right? So --

7 A And I think history reflects that the BOP  
8 did not renew that contract, yes.

9 (Marked Exhibit No. 136.)

10 BY MR. WOOD:

11 Q I'm passing you what's been marked  
12 Exhibit 136.

13 MR. WOOD: Exhibit 136 is Bates  
14 No. CoreCivic\_1017830.

15 BY MR. WOOD:

16 Q And it also includes -- just to ensure we're  
17 giving you appropriate context, it also includes  
18 another e-mail, which has the attachment, which is  
19 referenced in the bottom half of that first page.  
20 So we put those together, and I will provide the  
21 Bates number for that attachment after the  
22 deposition.

23 MS. TOMKOWIAK: Chris, that looks like  
24 a different e-mail, though, than the earlier one in  
25 this e-mail chain, so just for the record, what's



1 your basis for saying it's the same?

2 MR. WOOD: Yeah, so it's not different.

3 The -- the original e-mail from Wendy Gardner is the  
4 same on the bottom half of the first page as the one  
5 on the bottom half of the second page, right.

6 And then the second e-mail has a  
7 response from Scott Craddock, and the first one has  
8 a response from Kim White.

9 So we were just trying to make sure  
10 that what we gave the witness included the original  
11 attachment, which wasn't in the response on the  
12 first page.

13 Do you see what I'm saying?

14 MS. TOMKOWIAK: I do. I understand  
15 your position. The e-mail still looks slightly  
16 different, but that might just be because of the  
17 e-mail system at CoreCivic.

18 MR. WOOD: Yeah. They're both sent  
19 from Wendy Gardner on July 15, 2016, at 6:25 p.m.

20 MS. TOMKOWIAK: Uh-huh, I see that.

21 MR. WOOD: So I'm sure they're the  
22 same.

23 BY MR. WOOD:

24 Q Okay. Do you recognize Exhibit 136?

25 A I do.

1 I, the undersigned, a Licensed Court  
2 Reporter of the State of Tennessee, do hereby  
3 certify:

4 That the foregoing proceedings were  
5 taken before me at the time and place herein set  
6 forth; that any witnesses in the foregoing  
7 proceedings, prior to testifying, were duly sworn;  
8 that a record of the proceedings was made by me  
9 using machine shorthand, which was thereafter  
10 transcribed under my direction; that the foregoing  
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains  
13 to the original transcript of a deposition in a  
14 federal case, before completion of the proceedings,  
15 review of the transcript [ X ] was [ ] was not  
16 requested.

17 I further certify I am neither  
18 financially interested in the action nor a relative  
19 or employee of any attorney or party to this action.

20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name.

22 Dated: December 3, 2019

23

24   
Elisabeth A. Miller Lorenz

25 RMR, CRR, LCR No. 66